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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Tamil Uzhagam, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Sterlite Protest: Decades-Old Struggle Of Thoothukudi Against Vedanta's Company*

Need Urgent Action from OHCHR and 'Special procédure mandate holders action on Tamil Nadu Police abuses against Tamil Protesters.

On 22nd, May 2018 marked the 100th day of protest against Sterlite Copper Unit in Thoothukudi, Tamil Nadu. It took a violent turn when local police opened fire, resulting in the death of 12 and leaving many others injured. In the wake of the protest, today, the Madras High Court's Madurai bench stayed the ongoing construction work for a new copper smelter.

The protest gained massive response this year as Sterlite was planning to double its capacity and expand in the view of their 25 years contract coming to an end. The locals have been demanding a closure of the copper smelting unit due to the pollution it causes and the health hazard it poses.

Over 4.6 lakh people live in eight census towns and 27 villages within a 10-km radius of the plant. For decades, activists in the area have been accusing Sterlite of contaminating the water resources and for also causing air pollution. Many villagers alleged that pollutants from the Sterlite factory were causing breathing disorders, skin diseases, heart conditions among other health problems. "It starts with throat irritation, then breathing difficulties and asthma, then we get fits and wheezing,".

The peoples in Thoothukudi have completely stopped using the groundwater, they claim. "We cannot even rinse our mouths with the water anymore, We could taste the pollutants in the water. "

In 2013, people complained that they were facing difficulties to breathe, nausea, throat infection and alleged a gas leak from Sterlite Industries plant. The plant was ordered to be closed for a while after the allegations, by the Tamil Nadu Pollution Control Board but later the National Green Tribunal let the plant reopen.

On March 24, 2018, 15,000 residents of Thoothukudi gathered with the demand of closing down of Sterlite. The protest, which reminded everyone of the 2017 Jallikattu protests in Chennai's Marina beach, was organised using social media. Their main demand was to "Ban Sterlite". The protest spread overseas when the Tamil diaspora all arround the World held a demonstration in front of Indian Embassy's and other places. All those protests happened without any untoward incident.

The massacre of 22rd May 2018
Things took an ugly turn on 22nd May 2018. This demonstration was planned days ago to mark the 100th day of the protest call to close Sterlite's functioning in the city. As the plant was not permanently closed, they decided to demonstrate in front of the District Collector's office. After a meeting with the district collector and superintendent of police, the protesters announced that the picketing has been dropped and that they would protest at a school ground.

Sandeep Nanduri, day-old district collector of Thoothukudi, released information on the casualties and said 13 people have been killed and 102 were wounded. Apart from this, 34 policemen have also been wounded.

Most shops in the town were also shut down after the calls of protest from Thoothukudi town central traders association. District collector N Venkatesh issued prohibitory order section 144 in view of the scheduled protest, while granting permission to protest only at the SAV ground near Thoothukudi old bus stand.

This took a violent turn when police prevented the protesters from marching towards the plant. In an angry retaliation, the protesters set Thoothukudi Collector office premises and the quarters of Sterlite employees on fire.

The protesters pushed back the police in riot gear and started hurling stones at them. The security personnel lobbed teargas shells to disperse them. The protesters also overturned a police vehicle and then set another vehicle on fire. At Madathur, police had to resort to a mild lathi-charge at Madathur to disperse the public gathering.

Later, police started firing. A video emerged that showed a Tamil Nadu policeman parked himself on top of a police bus with an assault rifle. From photographs and videos, it can be seen that he was taking aim.

A huge number of policemen can be seen on the road below, some just in their khakis and others in their riot gears. Moments later another policeman, like a pro commando gets on top of the bus armed with an assault rifle. A voice was heard in the background, "At least one should die" and shots were fired. It is although not clear if he shot someone but the number of casualties and the cause of their death speaks otherwise. All the people who were killed were shot above the waist. A 17-year-old girl who was shot dead was expecting her 10th Board exam results today.

Protocol to open fire
According to the Tamil Nadu police training handbook, the protocol to open fire are as follows :

- The police are first supposed to announce the protest as an unlawful assembly and ask the gathering to disperse
- If the crowd refuses to disperse then the collector is supposed to ask the police to invoke coercive measures
- In coercive measures, the police are first supposed to burst tear gas, then mild lathi-charge and if these two steps do not work then use water cannons
- If all these three steps fail then the police is supposed to announce on a megaphone that they will start firing and loss of life can happen. They should also hoist a riot flag.
- The police are then supposed to fire in the air and then aim to shoot people but only below the waist. This measure is taken to stop advancing people.

The Thoothukudi massacre shows how little has changed since the Bhopal Gas Tragedy. In fact, the corporations have grown even more brazen: emboldened by the fact that their funds are able to buy Governments and ruling parties. Corporate crimes are enabled, covered-up, and go unpunished – while people protesting to save their lives and health are shot dead.

Justice for Thoothukudi must mean that not only is the Sterlite plant shut down;

- the TNPCB officials and Sterlite management responsible for illegalities and violations must be prosecuted and punished.
- Sterlite must pay suitable reparations to the project-affected people.
- The Chief Minister of Tamil Nadu and the Prime Minister of the country should lose their jobs for Protests Against Thoothukudi Firingilling citizens and protecting a criminal Multi National Company that is playing with people's lives.

All Tamil Rights Activists and Tamils from arround the woarld condemns the killing of the protesters. They were protesting for better air and water. They were killed for demanding their basic right to clean air and water. It's high time the government takes notice of these irregularities and listens to public demand.

Need Urgent Action from special procedure mendante holders on Tamil Nadu Human Rights Violations :
Mr. John H. Knox, Special Rapporteur on human rights and the environment;
Mr. Léo Heller, Special Rapporteur on the human rights to safe drinking water and sanitation.
Ms. Agnes Callamard, Special Rapporteur on extrajudicial, summary or arbitrary executions;
Mr. Clément Nyaletsossi Voulé, Special Rapporteur on the rights to freedom of peaceful assembly and of association ;
UN Working Group on human rights and transnational corporations and other business enterprises,
Mr. Baskut Tuncak, Special Rapporteur on the implications for human rights of the environmentally sound ma agement and disposal of hazardous substances and wastes,
Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders ;
Mr. David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;

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*Tamil Movement (Suisse) and May 17 Movement (Tamil Nadu), NGOs without consultative status, also share the views expressed in this statement.